

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE VASO ACTIVE PHARMACEUTICALS : Consolidated Case No.: 04-10708
SECURITIES LITIGATION : (RCL)

**MERTURI GROUP'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM OF
LAW IN FURTHER SUPPORT OF ITS MOTION FOR APPOINTMENT AS CO-LEAD
PLAINTIFF, AND APPROVAL OF ITS SELECTION OF
CO-LEAD COUNSEL AND LIAISON COUNSEL**

Now comes the Proposed Lead Plaintiff, the Merturi Group, which respectfully moves this Court for leave to file a Reply Memorandum Of Law In Further Support Of Its Motion For Appointment As Co-Lead Plaintiff, And Approval Of Its Selection Of Co-Lead Counsel And Liaison Counsel. In support of its Motion, the Merturi Group states that the matters raised in this Reply Memorandum are relevant to the issues before the Court and will aid the Court in its deliberations. With the exception of David B. Brody, as co-trustee of the Brody Family Revocable Trust, the other parties in this action do not oppose this Motion.

DATED: July 9, 2004

Respectfully submitted,

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans
33 Broad Street, Suite 1100
Boston, MA 02109
Telephone: (617) 369-7979

Proposed Liaison Counsel

**MILBERG WEISS BERSHAD &
SCHULMAN LLP**

Steven G. Schulman
Peter E. Seidman
Sharon M. Lee
One Pennsylvania Plaza
New York, NY 10119
Telephone: (212) 594-5300

Proposed Co-Lead Counsel

BRODSKY & SMITH, LLC

Evan Smith
Two Bala Plaza, Suite 602
Bala Cynwyd, PA 19004
Tel: (610) 667-6200

**LAW OFFICES OF CHARLES J.
PIVEN, P.A.**

Charles J. Piven
The World Trade Center-Baltimore
401 East Pratt Street, Suite 2525
Baltimore, Maryland 21202
Tel.: (410) 986-0036

Attorneys for Plaintiff

RULE 7.1A(2) CERTIFICATE

I, Nancy Freeman Gans, proposed Liaison Counsel, hereby certify that prior to the filing of this Motion, Sharon Lee, counsel for the Merturi Group, and Sean Handler, counsel for the Choi Group, notified all plaintiffs' and defendants' counsel of the Merturi Group's and Choi Group's intent on filing today their respective motion for leave to file a reply memorandum of law in further support of their appointment as lead plaintiff, and approval of their selection of lead counsel. Counsel for David B. Brody, co-trustee of the Brody Family Revocable Trust, does not agree to the filing of this Motion. All other counsel do not oppose the filing of the Motion.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Sharon M. Lee, hereby certify that a true copy of the above document was served upon the attorney of record for each party by mailing a copy of same, postage prepaid, on July 9, 2004.

/s/ Sharon M. Lee
Sharon M. Lee